



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
 Scott G. Tromanhauser)
) Before the Examiner
 Serial No. 10/748,120) Unassigned
)
 Filed December 30, 2003) Group Art Unit 3739
)
VERTEBRAE FASTENER) July 14, 2004
PLACEMENT GUIDE)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

July 14, 2004

(Date of Deposit)

Charles P. Schmal

Name of Registered Representative

Signature

July 14, 2004

Date of Signature

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

☒ a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application **Serial No. 09/695,004** and/or

☒ a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

and thus no certification and/or fee is required.

1b. ☐ This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

(1) ☐ **the certification of paragraph 2 below is provided, and
a fee of \$_____ (set forth in 37 CFR §1.17(p)) is enclosed; or**

(2) ☐ a Request for Continued Examination (RCE) has been filed.

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or

b. ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

c. ☐ A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

3. ☐ A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.

4. ☐ Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

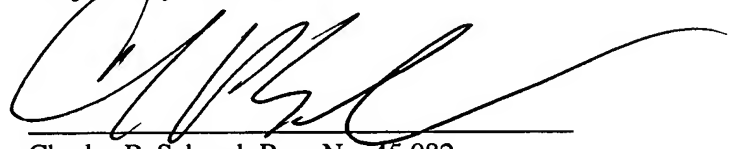
a. ☐ an English language translation submitted herewith,

- b. ☐ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ an English language translation of a foreign patent office search report submitted herewith,
- d. ☐ the concise explanation contained in the specification of the present application at page^s _____,
- e. ☐ the concise explanation set forth in the attached English language abstract,
- f. ☐ a copy of a related patent publication (in the English language) submitted herewith,
- g. ☐ the concise explanation set forth below:

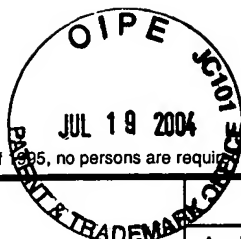
The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,



Charles P. Schmal, Reg. No. 45,082
Woodard, Emhardt, Moriarty, McNett &
Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456



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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	10/748,120
Filing Date	December 30, 2003
First Named Inventor	Scott G. Tromanhauser
Group Art Unit	3739
Examiner Name	Unassigned
Attorney Docket Number	4002-3465

Sheet 1 of 3

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		Re 36,758	06-27-2000	Fitz	
		4,159,716	07-03-1979	Borchers	
		4,257,411	03-1981	Cho	
		4,714,076	12-22-1987	Comte et al.	
		4,667,664	03-26-1987	Taylor et al.	
		4,708,139	11-24-1987	Dunbar, IV	
		4,722,331	02-02-1988	Fox	
		4,901,711	02-20-1990	Goble et al.	
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		5,558,674	09-24-1996	Heggeness et al.	

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		DE 198 11 354 A1	09-23-1999	Friedl et al.		
		DE 297 03 947 U1	07-17-1997	Plus- Endoprothetik		
		WO 93/22975	11-25-1993	Frigg		
		WO 00/62684	10-26-2000	Marino		

Examiner
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 2 of 3

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		Number-Kind Code ² (if known)			
		5,584,839	12-17-1996	Gieringer	
		5,613,971	05-25-1997	Lower et al.	
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		6,342,056	01-29-2002	Mac-Thiong et al.	
		6,669,698	12-30-2003	Tromanhauser et al.	

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

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STATEMENT BY APPLICANT**

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Complete if Known

Sheet	3	of	3	Application Number	10/748,120
				Filing Date	December 30, 2003
				First Named Inventor	Scott G. Tromanhauser
				Group Art Unit	3739
				Examiner Name	Unassigned
				Attorney Docket Number	4002-3465

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		<u>Posterior Techniques; Stabilization Techniques, Thoracolumbar Spine; publication unknown.</u>	
		<u>Selective Decompression and Translaminar Articular Facet Screw Fixation for Lumbar Canal Stenosis and Disc Protrusion; Benini, Magerl; British Journal of Neurosurgery (1993) 7, 413-418.</u>	
		<u>Stability of the Lumbar Spine and Method of Instrumentation; Vanden Berghe, Mehdian, Lee, Weatherley; Acta Orthopaedica Belgica, Vol. 59-2, (1993).</u>	
		<u>Biomechanical Evaluation of Translaminar Facet Joint Fixation; Deguchi, Chang, Sato, Matsuyama, Zdeblick; Spine, Volume 23, Number 12 (1998) pp. 1307-1313.</u>	
		<u>Lumbosacral Fusion Using Internal Fixation with a Spinous Process for the Graft; Graham; Clinical Orthopaedics and Related Research, Number 140, May 1979, pp. 72-77.</u>	
		<u>Translaminar Screw Fixation in the Lumbar Spine: Technique, Indications, Results; Grob, Humke; Eur Spine J (1998) 7: 178-186.</u>	
		<u>Translaminar Facet Joint Screw Fixation for Lumbar and Lumbosacral Fusion, A Clinical and Biomechanical Study; Heggeness, Esses; From the Center for Spinal Disorders, Division of Orthopaedics, Baylor College of Medicine, Houston, Texas, and Dewar Spine Unit, Department of Surgery, University of Toronto, Toronto, Ontario, Canada, pp. S266-S269, November 1, 1990.</u>	
		<u>Translaminar Screw Fixation of the Lumbar and Lumbosacral Spine; Humke, Grob, Dvorak, Messikommer; Spine, Volume 23; pp. 1180-1184, November 10, 1998.</u>	
		<u>Enhancement of Lumbar Spine Fusion by Use of Translaminar Facet Joint Screws; Jacobs, Montesano, Jackson; Spine, Volume 14, Number 1, pp. 12-15, (1989).</u>	
		<u>Arthrodesis with Facet Screws; Jeanneret; Lumbosacral and Spinopelvic Fixation, Edited by Joseph Y. Margulies, et al., (1996).</u>	
		<u>Translaminar Facet Screw Placement: an Anatomic Study; Lu, Ebraheim, Yeasting; The American Journal of Orthopedics, pp. 550-555; August 1998.</u>	
		<u>Lumbar Degenerative Spondylolisthesis: Review of 106 Operated Cases with Degenerative Anterior Vertebral Translation as the Predominant Aspect of the Spondylosis; Plotz, Benini; Neurosurgery Quarterly, Vol. 8, No. 4, pp. 271-287 (1998).</u>	
		<u>The role of Supplemental Translaminar Screws in Anterior Lumbar Interbody Fixation: A Biomechanical Study; Rathonyi, Oxland, Gerich, Grassmann, Nolte; Eur Spine J (1998) 7: 400-407.</u>	
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		<u>Posterior Lumbar Interbody Fusion with Facet-Screw Fixation; Stonecipher, Wright; Spine, Volume 14, Number 4, pp. 468-471 (1989).</u>	
		<u>Surgical Treatment of Internal Disc Disruption: An Outcome Study of Four Fusion Techniques; Vamvanij, Fredrickson, Thorpe, Stadnick, Yuan; Journal of Spinal Disorders, Vol. 11, No. 5, pp. 375-382, (1998).</u>	
		<u>Interbody Implant and Translaminar Screw Fixation Contrasted Using Helical Axes of Motion; Oxland, Rathonyi, Frei, Nolte; (No date information given).</u>	
		<u>Transfacet Screws with Lumbar Interbody Reconstruction: Biomechanical Study of Motion Segment Stiffness; Volkman, Horton, Hutton; Journal of Spinal Disorders, Vol. 9, No. 5, pp. 425-432 (1996).</u>	

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